IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No. 11254 of 2003

Between:

Kanimeraka Prakash, S/o. late Latchanna,
Proprietor, Lakshmi Wines, Door No. 30/74/4,
Jeypore Road, Salur, Vizianagaram District

..... PETITIONER

AND

1 The Commissioner, Prohibition & Excise, Hyderabad.
2 The Excise Superintendent, Prohibition & Excise, Vizianagaram Dist.
3 The Prohibition & Excise Inspector, Salur, Vizianagaram District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly a writ in the nature of writ of mandamus directing the respondents not to issue any IL.24 License within 50 metres from petitioner's shop situated in premises bearing Door.No. 30/74/4, Jeypore Road, Salur, Vizianagaram District.

Counsel for the Petitioner : MR.REDDY VENKATA RAMANA

Counsel for the Respondents : GP FOR PROHIBITION & EXCISE

The Court made the following :

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ORDER :

The writ petition is filed seeking a Writ of Mandamus directing the respondents not to grant any licence in Form IL-24 within 50 metres from the petitioner's shop situated in premises Door No.30/74/4, Jeypore Road, Salur, Vizianagaram District. Having regard to the nature of the case, the writ petition is being disposed of at the interlocutory stage.

The petitioner was granted licence in Form IL-24 for the period 2002-04. Apprehending that the respondents might issue another licence in contravention of the Circular issued by the Commissioner of Prohibition and Excise, Hyderabad, dated 21-5-2001 the present writ petition is filed. As the petitioner's licence expired on 31-3-2004, nothing survives in the writ petition. Further there cannot be any general assumption that the second respondent would ignore the Circulars issued by the first respondent while granting the licences.

The writ petition is misconceived and accordingly dismissed. No costs.

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(V.V.S.RAO, J.)

05-07-2005.

Msr.

To

1 The Commissioner, Prohibition & Excise, Hyderabad.
2 The Excise Superintendent, Prohibition & Excise, Vizianagaram Dist.
3 The Prohibition & Excise Inspector, Salur, Vizianagaram District

4 2 CCs to Government Pleader for Prohibition and Excise,

High Court Buildings, Hyderabad.

5 2 CD copies

HON'BLE SRI JUSTICE V.V.S. RAO

W.P.No.11254 of 2003

05-07-2005

(Msr)